

Sincerely,

Bill Clayton

Mr. Clayton Garrison
Executive Director
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ADJOURNMENT

On motion of Senator Brooks the Senate at 10:43 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, January 19, 1981.

THIRD DAY

(Monday, January 19, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Traeger, Travis, Truan, Vale, Williams, Wilson.

Absent-excused: Andujar, McKnight, Snelson.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father, never let us forget the meanings of this day:
Our gratitude for the safe return of the hostages,
Our indebtedness to those who died trying to save them,
Our sensitivity to the principle that fifty-two persons
are more valuable than billions of dollars.
And, our privilege to live in a country where power can change hands by
the will of the people and without a shot being fired. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, January 14, 1981, was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
January 19, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 13, Congratulating the Baylor University Football Team.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LEAVES OF ABSENCE

Senator Andujar was granted leave of absence for today on account of illness on motion of Senator Meier.

Senator McKnight was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Snelson was granted leave of absence for today on account of inclement weather on motion of Senator Blake.

CO-AUTHOR OF SENATE BILL 1

On motion of Senator Doggett and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 1**.

CO-AUTHOR OF SENATE BILL 13

On motion of Senator Traeger and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 13**.

CO-AUTHOR OF SENATE BILL 58

On motion of Senator Doggett and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 58**.

CO-AUTHOR OF SENATE BILL 63

On motion of Senator Santiesteban and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 63**.

CO-AUTHOR OF SENATE BILL 150

On motion of Senator Traeger and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 150**.

CO-AUTHORS OF SENATE BILL 143

On motion of Senator Leedom and by unanimous consent, Senators Mauzy, Harris and Travis will be shown as Co-authors of **S.B. 143**.

CO-AUTHORS OF SENATE BILL 151

On motion of Senator Farabee and by unanimous consent, Senators Caperton, Blake and Howard will be shown as Co-authors of S.B. 151.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 168 by Farabee Natural Resources
Relating to the duration of the quail season in Kent, Knox, and Stonewall counties; providing penalties.

S.B. 169 by Traeger Education
Relating to payment of tuition and fees for members of the Texas National Guard attending postsecondary educational institutions.

S.B. 170 by Brooks Human Resources
Relating to adult day care.

S.B. 171 by Wilson Jurisprudence
Relating to suits brought under the Uniform Reciprocal Enforcement of Support Act.

S.B. 172 by Doggett Human Resources
Relating to the regulation of conflicts of interest concerning administration of the medical assistance program.

S.B. 173 by Mengden, Leedom, Human Resources
Travis, Brown
Relating to the exemption of certain educational facilities from licensing requirements for child-care facilities.

S.B. 174 by Farabee Jurisprudence
Relating to offenses involving rape and sexual abuse.

S.B. 175 by Traeger State Affairs
Relating to local option elections and certain duties of the city secretary in cities that lie in several counties; amending Chapter 251, Alcoholic Beverage Code, by adding Section 251.80.

S.B. 176 by Harris Jurisprudence
Relating to the liability of real property owners with respect to recreational licensees.

S.B. 177 by Mengden Jurisprudence
Relating to home-rule city annexations.

S.B. 178 by Snelson Education
Relating to the curriculum in public schools.

S.B. 179 by Snelson Education
Relating to the repeal of certain obsolete or unnecessary education laws.

S.B. 180 by Snelson Finance
Relating to setting the funding level of certain education finance components in the General Appropriations Act.

S.B. 181 by Snelson Intergovernmental Relations
Relating to a residence qualification for appointment to the office of Pecos River Compact commissioner.

S.B. 182 by Snelson Intergovernmental Relations
Relating to the creation of a juvenile board in each of the counties of Brewster, Crockett, Jeff Davis, Pecos, Presidio, Reagan, Sutton, and Upton.

S.B. 183 by Snelson Education
Relating to investment of the Permanent School Fund in certain short-term obligations.

S.B. 184 by Snelson State Affairs
Relating to the lease of property controlled by the Texas Department of Mental Health and Mental Retardation.

S.B. 185 by Snelson Education
Relating to the pay grade of public school personnel in services related to special education.

S.B. 186 by Ogg Jurisprudence
Relating to the offense of possession of a burning tobacco product or smoking of tobacco and to the places in which these acts are prohibited; relating to the notice required to be displayed and to facilities for extinguishment in such places; amending Section 48.01, Penal Code, as added.

S.B. 187 by Ogg State Affairs
Relating to licensing and certifying environmental air conditioning and ventilating contractors and journeymen; creating an examining board and providing for its procedures, powers, and duties; providing rules and regulations for issuance, renewal, denial, and revocation of licenses; providing fees; providing penalties; and declaring an emergency.

S.B. 188 by Truan Human Resources
Relating to the establishment of a program of supplementary medical transportation services; amending Subtitle C, Title 2, Human Resources Code, to add a new Chapter 34; providing a definition of supplementary medical transportation; requiring the Department of Human Resources to establish and administer the program; providing penalties for prohibited acts; providing effective dates; and declaring an emergency.

S.B. 189 by Doggett, Brooks State Affairs
Relating to the political activity of officers and employees of the Texas Department of Human Resources.

S.B. 190 by Doggett Jurisprudence
Relating to the payment of benefits under the Crime Victims Compensation Act.

S.B. 191 by Brooks Human Resources
Relating to health care planning and certificate of need requirements for certain health care projects.

S.B. 192 by Doggett State Affairs
Relating to receivership of a utility.

S.J.R. 8 by Travis Finance
Proposing a constitutional amendment prohibiting the imposition of income taxes.

S.J.R. 9 by Travis State Affairs
Proposing a constitutional amendment relating to an individual's right to work.

S.C.R. 12 by Travis, Mengden State Affairs
Memorializing Congress to propose an amendment relating to voluntary school prayer in public schools.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled resolutions:

S.C.R. 9
S.C.R. 10

SENATE CONCURRENT RESOLUTION 14

Senator Mauzy offered the following resolution:

WHEREAS, The captivity of the 52 American hostages in Iran has been a frustrating and exhausting experience for the people of this nation; and

WHEREAS, This 14-month crisis has offered no easy or simple means for resolution, and it has severely tested the diplomatic skills of the American government; and

WHEREAS, President Jimmy Carter's firm, yet patient, persistence in negotiations with Iran has finally resulted in a formal agreement that will end the crisis by returning the hostages; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 67th Legislature hereby commend President Jimmy Carter for his perseverance, to the very end of his term in office, in seeking the release of the hostages in Iran and congratulate him for achieving the final accord with Iran after months of painstaking, laborious diplomacy by him and his staff; and be it further

RESOLVED, That the 67th Texas Legislature extend a heartfelt welcome to the 52 Americans returning from captivity in Iran and commend them on the courage and fortitude they exhibited during their ordeal in service to the United States.

McKNIGHT
MAUZY

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE CONCURRENT RESOLUTION 13

The President laid before the Senate the following resolution:

H.C.R. 13, Extending congratulations to the Baylor University Football team.

The resolution was read.

On motion of Senator Jones and by unanimous consent, the resolution was considered immediately and was adopted.

(President Pro Tempore Traeger in Chair)

SENATE RESOLUTION 92

Senator Brooks offered the following resolution:

WHEREAS, The 19th day of January increases in significance to Texas history each year Lieutenant Governor Hobby continues to serve the people of Texas; 49 years ago on this date he came into the world as the son of famous and esteemed parents in Houston, destined for fame and esteem of his own; and

WHEREAS, This native of Houston, a city renowned as a home of dreamers, gamblers, movers, shakers, and successful but controversial sports franchises, continues in the family heritage of service in public office: his father was a distinguished Governor of Texas, and his mother, a former Parliamentarian of the Texas House of Representatives and the second woman ever to hold a federal cabinet post, was the first Secretary of Health, Education, and Welfare; and

WHEREAS, Young Bill Hobby, during the tenure of Lieutenant Governor Ben Ramsey, was named Parliamentarian of the Texas Senate, in which office he served with distinction; and

WHEREAS, Despite this closeup exposure to the machinations of that august body, he officially entered the contest for Lieutenant Governor in 1972; he was overwhelmingly endorsed by the voters of Texas and with firm but fair leadership continues to inspire the Senate in its tireless and effective legislative efforts for the people of the great State of Texas; and

WHEREAS, As he begins his ninth year in the state's second highest office, Lieutenant Governor of Texas, Texans are justifiably confident that Bill Hobby is guiding their Senators through this, the 67th Legislative Session, with the dedication and decorum that has been so typical of Texas Senates in the past; and

WHEREAS, Bill Hobby's lovely wife, Diana, and their four children, Laura, Paul, Andrew, and Katherine continue to be supportive of the Senate President; now, therefore, be it

RESOLVED, That Texas Senators of the 67th Legislature are pleased that such a pleasant early order of business is to extend greetings and congratulations to their leader Lieutenant Governor William P. (Bill) Hobby, on the celebration of his birthday on January 19, 1981; and, be it further

RESOLVED, That the members of the Senate take this opportunity to commend Lieutenant Governor Hobby for his leadership and that best wishes be extended to him and his family.

The resolution was read.

On motion of Senator Jones and by unanimous consent, the names of the Senators were added to the resolution as signers thereof.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

(President in Chair)

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
January 16, 1981

TO THE SENATE, SIXTY-SEVENTH LEGISLATURE; REGULAR SESSION:

Pursuant to the provisions of Article III, Section 5 of the Constitution of Texas, I herewith submit as an emergency matter the following:

- 1). Pay Raise of State Employees. House Bills 215 and 216 and Senate Bills 98 and 99 contain legislation for a 3.4% increase in salaries and an increase in contributions by the state for group insurance premiums for state employees. Hopefully, action can be completed on this legislation so the raise can go into effect on February 1, 1981.
- 2). Increase in Benefits for Retired State Employees. Legislation will be introduced that contains legislation to increase benefits for retired state employees of 3.4% to help offset the ravages of inflation, that I am hopeful can be effective February 1, 1981.
- 3). Increase in Benefits for Retired Teachers. Legislation will be introduced that contains legislation to increase the retirement benefits by 3.4% for retired school teachers who are particularly hurt by inflation. Like these other matters above I am hopeful that this legislation can also be passed quickly, and be effective February 1, 1981.
- 4). Legislation to allow an election for Board of Trustees for the Dallas Independent School District. Last session the legislature passed House Bill 1990 which, among other things, abolished an election for the Board of Trustees scheduled for 1981 and rescheduled it for 1982 because of redistricting. It is now apparent the majority of people in Dallas, as well as the Board of Trustees themselves desire to have the election in 1981. The passage of House Bill 190 or Senate Bill 143 would allow this, and I therefore declare this an emergency matter.
- 5). Bill to allow transfer of funds for supplemental residential services for mentally retarded from Rusk to other locations. Last session there was a rider to the Appropriations Act restricting supplemental residential services for the mentally retarded (Page 23 of Article II of the current Appropriations Act (H.B. 558)) to the grounds of Rusk State Hospital. Subsequent litigation has resulted in the phasing out

of the use of Rusk State Hospital for juveniles transferring them to Fort Worth State School. However, the funds must remain at Rusk until Senate Bill 71 can be passed to allow the funds to be used at Fort Worth, and so I declare this as an emergency.

- 6). Emergency Appropriation for the Committee on Aging of \$360,000. House Bill 277 would appropriate \$360,000 to be used to match \$5.5 Million in additional federal funds. This would allow the 24 area agencies on aging throughout the state to continue their programs at the 1980 level. Without this appropriation the agencies will run out of funds and not be able to provide congregate meals, meals on wheels, and other services provided to 262,000 aged Texans who use these services. This situation has been brought about by a change in federal match requirements since the last appropriations bill was passed. I therefore declare this an emergency.

Respectfully submitted,

/s/William P. Clements, Jr.
Governor of Texas

COMMUNICATION FROM THE LIEUTENANT GOVERNOR

The following Communication from the Lieutenant Governor was read and was filed with the Secretary of the Senate:

The State of Texas
Office of the Lieutenant Governor
Austin

January 16, 1981

The Honorable George W. Strake, Jr.
Secretary of State
State of Texas
Austin, Texas

Dear Secretary Strake:

Because of vacancies in three places on the Texas Coastal and Marine Council, I am submitting to you the names of new Senate appointees to that body. Their terms will end June 30, 1981.

The appointments to the Council are Senators J. E. Brown, Carl Parker, and Carlos Truan.

Sincerely,

/s/Bill Hobby

cc: Hon. J. E. Brown
Hon. Carl Parker
Hon. Carlos Truan
Mrs. Betty King

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **S.B. 3** tomorrow afternoon.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 95 - By Wilson: Extending appreciation to Dr. Rick Edwards.

S.R. 96 - By Caperton: Extending congratulations to Charles Edwin Wilson.

S.R. 97 - By Caperton: Extending appreciation to Dr. R. W. Huddleston.

S.C.R. 11 - By Kothmann: Commemorating the 100th anniversary of the birth of General Douglas MacArthur.

ADJOURNMENT

On motion of Senator Brooks the Senate at 11:28 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory

of

Frank Craig Erwin, Jr.

(Senate Concurrent Resolution 13)

Senator Mauzy offered the following resolution:

WHEREAS, The people of the State of Texas and the alumni of The University of Texas lost a great friend with the death of Frank Erwin, Jr.; and

WHEREAS, Frank Craig Erwin, Jr., was born in Waxahachie, Texas, in 1920 and, except for service in the United States Navy during World War II, lived and worked in his native state all the 60 years of his life; and

WHEREAS, Frank Erwin's longtime dedication to The University of Texas began as a student active in campus affairs whose academic work received Phi Beta Kappa recognition and culminated in conferral of a law degree; it was said of him years later, "If you had stuck a pin in one of his veins, he would have bled orange and white"; and

WHEREAS, His service and influence in the politics of Texas dated back to his early association with Lyndon B. Johnson and Governor John Connally, who appointed him a regent of The University of Texas in 1963; Governor Connally stated later that that appointment had more impact on the future of Texas than any he made as Governor; and

WHEREAS, In Frank Erwin's determination to make his alma mater what the Texas Constitution prescribes it should be, "a university of the first class," he was the prime mover in the expenditure of hundreds of millions of dollars to erect one of the most impressive campus complexes in the world, and while he was Chairman of the Board of Regents of The University of Texas System the student body grew 46 percent; and

WHEREAS, Among the campus facilities he successfully lobbied for are the Lyndon Baines Johnson Library, the Special Events Center, the College of Fine Arts Performing Arts Center, Sid Richardson Hall, Disch-Falk Field, the Perry-Castaneda Library, and additions to Memorial Stadium and the Student Union; and

WHEREAS, During the Vietnam War years that were marked by dissent on campuses throughout the nation and, to a degree at The University of Texas, some actions by the Board of Regents' Chairman were controversial; yet, at a dinner in honor of Frank Erwin in 1971, President Lyndon B. Johnson said, "I'd like to make this prediction: When all the angry voices fall silent, the people of Texas are going to realize The University of Texas has never had an advocate equal to Frank Erwin"; and

WHEREAS, When he stepped down as chairman in 1971, he worked tirelessly as an unpaid lobbyist for the university, a predictably effective lobbyist; his forceful style with the legislature was tempered by an earthy demeanor and a good sense of humor; and

WHEREAS, Appropriately, there were many eulogies at Frank Erwin's memorial services and perhaps none more eloquent than that spoken by Lady Bird Johnson, "He was a rare human being who leaves a lonesome place in the world and the hearts of all of us who knew and loved him. Most people have ideas—Frank Erwin had ideas and ran with them"; and

WHEREAS, Frank Erwin is survived by his mother, Mrs. Frank C. Erwin, Sr., and his son, Frank C. Erwin III; now, therefore, be it